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राज्य सरकार तथा अन्य राज्य-प्राधिकारियों द्वारा जारी किये गये (सामान्य आदेशों, उप-विधियों आदि को सम्मिलित करते हुए) सामान्य कानूनी नियम।

Home Affairs Department

NOTIFICATION

Jaipur, June 28, 2023

G.S.R.45 .- In exercise of the powers conferred by section 357-A of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974), the State Government hereby frames the following scheme further to amend the Rajasthan Victim Compensation Scheme, 2011, namely:-

1. Short title and commencement.-(1) This Scheme may be called the Rajasthan Victim Compensation (Amendment) Scheme, 2023.

(2) It shall come into force from the date of its publication in the Official Gazette.

2. Amendment.-In Rajasthan Victim Compensation Scheme, 2011, hereinafter referred to as the said scheme, after the existing preamble and before the existing clause 1, the expression "Chapter-I" shall be inserted.

3. Amendment of clause 5.-In sub-clause (8) of clause 5 of Chapter-I of the said scheme, for the existing expression "Schedule", the expression "Schedule appended to Chapter-I" shall be substituted.

4. Insertion of new Chapter-II.- After the existing Schedule of Chapter-I of the said scheme, the following new Chapter-II shall be added, namely:-

"Chapter-II

1. Short title, commencement and application.-(1) This scheme may be called the Rajasthan Compensation Scheme for Women Victims/Survivors of Sexual Assault/other Crimes, 2023.

(2) It shall come into force from the date of its publication in the Official Gazette.

(3) It shall apply to the women Victims/Survivors of Sexual Assault/other Crimes and their dependent or dependents who have suffered loss, injury, as the case may be, as a result of the offence committed and who require rehabilitation.

2. **Definitions**.-In this Chapter, unless the context otherwise requires,-

(a) "Code" means the Code of Criminal Procedure, 1973(Central Act No 2 of1 974);

(b) 'Dependent' includes husband, father, mother, grandparents, unmarried daughter and minor children of the victim as determined by the State Legal Services Authority or District Legal Services Authority on the basis of the report of the Sub-Divisional Magistrate of the concerned area, Station House Officer, Investigating Officer or on the basis of material placed on record by the dependents by way of affidavit or on its own enquiry;

(c) "District Legal Services Authority" means the District Legal Services Authority (DLSA) constituted under section 9 of the Legal Services Authorities Act, 1987(Central Act No 39 of 1987) for a District of the State of Rajasthan;

(d) 'Form' means form appended to this Chapter;

(e) 'Fund' means State fund i.e. victim compensation fund constituted under the Rajasthan Victim Compensation Scheme, 2011.

(f) 'Central Fund' means funds received from Central Victim Compensation Fund Scheme,2015;

(g) 'Women Victim Compensation Fund' means a fund segregated for disbursement for women victim, out of Rajasthan Victim Compensation Fund and Central Fund;

[Within the State Victim Compensation Fund, a separate Bank Account shall be maintained as a portion of that larger fund which shall contain the funds contributed under Central Victim CompensationFund (CVCF) Scheme by the Ministry of Home Affairs (MHA), Government of India contributed from Nirbhaya Fund apart from funds received from the State Victim Compensation Fund which shall be utilized only for victims covered under this Chapter]

(h) 'Government' means 'State Government' wherever the State Victim Compensation Scheme or the State Victim Compensation Fund is in context and 'Central Government' wherever Central Government Victim Compensation Fund Scheme is in context;

(i) 'Injury' means any harm caused to body or mind of a female;

(j) 'Minor' means a girl child who has not completed the age of 18 years;

(k) 'Offence' means offence committed against women punishable under the Indian Penal Code, 1860 or any other law.

(l) 'Penal Code' means the Indian Penal Code, 1860 (Central Act No. 45 of 1860);

(m) 'Schedule' means schedule appended to this Chapter;

(n) "State Legal Services Authority" means the State Legal Services Authority (SLSA), constituted under section 6 of the Legal Services Authorities Act,1987 (Central Act No. 39 of 1987);

(o) 'Sexual Assault Victims" means female who has suffered mental or physical injury or both as a result of sexual offence including sections 376A to 376E, section 354A to 354D,section 509 of the Indian Penal Code 1860; and

(p) 'Woman Victim/ survivor of other crime' means a woman who has suffered physical or mental injury as a result of any offence mentioned in the schedule including section 304B, 326A, 498A of the Indian Penal Code, 1860 (in case of physical injury of the nature specified in the schedule) including the attempts and abetment.

(2) Words and expressions used in this Chapter and not defined here, shall have the same meaning as assigned to them in the Code of Criminal Procedure, 1973 or/and the Indian Penal Code, 1860.

3. **Women Victims Compensation Fund**.- (1) There shall be a Fund, namely, the Women Victims Compensation Fund from which the amount of compensation, as decided by the State Legal Services Authority or District Legal Services Authority, shall be paid to the women victim or her dependent or dependents who have suffered loss or injury as a result of an offence and who require rehabilitation.

(2) The 'Women Victims Compensation Fund' shall comprise the following, namely:-

(a) Contribution received from Central Victim Compensation Fund Scheme, 2015;

(b) Budgetary allocation in the shape of Grants-in-aid to State Legal Services Authority(SLSA) for which necessary provision shall be made in the Annual Budget by the State Government;

(c) Any cost amount ordered by Civil/Criminalcourt or Tribunal to be deposited in this Fund;

(d) Amount of compensation recovered from the wrong doer/accused under clause 13 of the Scheme;

(e) Donations/contributions from International/ National/ Philanthropist/ Charitable Institutions/ Organizations and individuals permitted by the State or Central Government; and

(f) Contributions from companies under Corporate Social Responsibility(CSR).

(3) The said Fund shall be operated by the State Legal Services Authority(SLSA).

4. **Eligibility for Compensation**.- A woman victim or her dependent or dependents, as the case may be, shall be eligible for grant of compensation from multiple schemes applicable to her. However, the compensation received by her in the other schemes with regard to section 357-B of the Code of Criminal Procedure, 1973 shall be taken into account while deciding the quantum in such subsequent application.

5. **Procedure for making application before the State Legal Services Authority/District Legal Services Authority**.- (1)The officer-in-charge of the police station /Superintendent of Police /Deputy Commissioner of Police shall mandatorily share soft/hard copy of First Information Report (FIR) immediately after its registration with the State Legal Services Authority/District Legal Services Authority qua commission of

offences covered in this scheme which include section 326A, 354A to 354D, 376A to 376E, 304B, 498A of theIndian Penal Code, 1860 (in case of physical injury covered in the schedule), so that the State Legal Services Authority/District Legal Services Authority may, in deserving cases, suo-moto initiate preliminary verification of facts for the purpose of grant of interim compensation.

(2) An application for the award of interim/ final compensation may be filed by the Victim and/or her Dependents or the officer-in-charge of the police station of the area before the concerned State Legal Services Authority or District Legal Services Authority. It shall be submitted in Form-I along with a copy of the First Information Report (FIR) or criminal complaint of which cognizance is taken by the Court and if available Medical Report, Death Certificate, wherever applicable, copy of judgment/ recommendation of court if the trial is over.

6. **Place of Filing of Application**.- The application or recommendation for compensation can be moved either before the State Legal Services Authority or the concerned District Legal Services Authority or it may be filed online on a portal which shall be created by the State Legal Services Authority. The Secretary of the respective District Legal Services Authority shall decide the application/ recommendation moved before him/her as per the scheme.

Explanation: In case of acid attack victim the deciding authority shall be Criminal Injury Compensation Board as directed by the Hon'ble Supreme Court in Laxmi vs. Union of India W.P.CRML 129/2006 order dated 10.04.2015 which includes the District & Sessions Judge, District Magistrate, Superintendent of Police, Civil Surgeon/Chief Medical Officer of the district.

7. **Reliefs that may be awarded by the State Legal Services Authority or District Legal Services Authority**.-The State Legal Services Authority or District Legal Services Authority(SLSA or DLSA) may award compensation to the victim or her dependents to the extent as specified in the schedule.

8. **Factors to be considered while awarding Compensation**.-While deciding a matter, the State Legal Services Authority/District Legal Services Authority may take into consideration the following factors relating to the loss or injury suffered by the victim:-

(1) Gravity of the offence and severity of mental or physical harm or injury suffered by the victim;
(2) Expenditure incurred or likely to be incurred on the medical treatment for physical and/or mental health including counselling of the victim, funeral, travelling during investigation/ inquiry/ trial (other than diet money);
(3) Loss of educational opportunity as a consequence of the offence, including absence from school/college due to mental trauma, bodily injury, medical treatment, investigation and trial of the offence, or any other reason;
(4) Loss of employment as a result of the offence, including absence from place of employment due to mental trauma, bodily injury, medical treatment, investigation and trial of the offence, or any other reason;
(5) The relationship of the victim to the offender, if any;

(6) Whether the abuse was a single isolated incidence or whether the abuse took place over a period of time;
(7) Whether victim became pregnant as a result of the offence, whether she had to undergo Medical Termination of Pregnancy (MTP)/ give birth to a child, including rehabilitation needs of such child;
(8) Whether the victim contracted a Sexually Transmitted Disease (STD) as a result of the offence;
(9) Whether the victim contracted Human Immunodeficiency Virus (HIV) as a result of the offence;
(10) Any disability suffered by the victim as a result of the offence;
(11) Financial condition of the victim against whom the offence has been committed so as to determine her need for rehabilitation and re-integration needs of the victim;
(12) In case of death, the age of deceased, her monthly income, number of dependents, life expectancy, future promotional/growth prospects etc.; or
(13) any other factor which the State Legal Services Authority or District Legal Services Authoritymay consider just and sufficient.

9. **Procedure for grant of compensation**.- (1)Wherever, a recommendation is made by the court for compensation under sub-section(2)and/or (3) of section 357A of the Code, or an application is made by any victim or her dependent or dependents, under sub-section (4) of section 357A of the Code, to the State Legal Services Authority or District Legal Services Authority, for interim compensation it shall prima-facie satisfy itself qua compensation needs and identity of the victim. As regards the final compensation, it shall examine the case and verify the contents of the claim with respect to the loss/injury and rehabilitation needs as a result of the crime and may also call for any other relevant information necessary for deciding the claim:

Provided that in deserving cases and in all acid attack cases, at any time after commission of the offence, the Member Secretary, State Legal Services Authority or Secretary, District Legal Services Authority may suo-motoor after preliminary verification of the facts proceed to grant interim relief as may be required in the circumstances of each case.

(2) The inquiry as contemplated under sub-section (5) of section 357A of the Code shall be completed expeditiously and the period in no case shall exceed beyond sixty days from the receipt of the claim/petition or recommendation:

Provided that in cases of acid attack an amount of Rs. One lakh shall be paid to the victim within 15 days of the matter being brought to the notice of the District Legal Services Authority. The order granting interim compensation shall be passed by the District Legal Services Authority within 7 days of the matter being brought to its notice and the State Legal Services Authority shall pay the compensation within 8 days of passing of the order. Thereafter, an amount of Rs. 2 lakhs shall be paid to the victim as expeditiously as possible and positively within two months of the first payment.

Provided further that the victim may also be paid such further amount as is admissible under this Scheme.

(3) After consideration of the matter, the State Legal Services Authority or District Legal Services Authority, as the case may be, upon its satisfaction, shall decide the quantum of

compensation to be awarded to the victim or her dependent or dependents taking into account the factors enumerated in clause 8 of the scheme, as per schedule appended to this chapter. However, in deserving cases, for reasons to be recorded, the upper limit may be exceeded.Moreover, in case the victim is minor, the limit of compensation shall be deemed to be 50% higher than the amount mentioned in the schedule appended to this chapter.

Note: Victims of Acid attack are also entitled to additional compensation of Rs. 1 lakh under the Prime Minister's National Relief Fund vide memorandum number. 24013/94/Misc./2014-CSR-III/GoI/MHA dated 09.11.2016.Victims of Acid Attack are also entitled to additional special financial assistance uptoRs. 5 lakhs who need treatment expenses over and above the compensation paid by the respective State/UTs in terms of Central Victim Compensation Fund Guidelines-2016, no. 24013/94/Misc/2014-CSR.III, MHA/GoI

(4) The State Legal Services Authority/District Legal Services Authoritymay call for any record or take assistance from any Authority/Establishment/Individual/Police/Court concerned or expert for smooth implementation of the Scheme.

(5) In case trial/appellate court gives findings that the criminal complaint and the allegation were false, then the State Legal Services Authority/District Legal Services Authority may initiate proceedings for recovery of compensation, if any, granted in part or full under this Scheme, before the Trial Court for its recovery as if it were a fine.

10. **The Order to be placed on Record**.- Copy of the order of interim or final compensation passed under this scheme shall be placed on record of the trial Court so as to enable the trial Court to pass an appropriate order of compensation under section 357 of the Code. A true copy of the order shall be provided to the Investigating Officer in case the matter is pending investigation and also to the victim/dependent as the case may be.

11. **Method of disbursement of Compensation**.- (1) The amount of compensation so awarded shall be disbursed by the State Legal Services Authority by depositing the same in a Bank in the joint or single name of the victim/dependent(s). In case the victim does not have any bank account, the District Legal Services Authority concern would facilitate opening of a bank account in the name of the victim and in case the victim is a minor along with a guardian or in case, minor is in a child care institution, the bank account shall be opened with the Superintendent of the Institution as Guardian. However, in case the victim is a foreign national or a refugee, the compensation can be disbursed by way of cash cards.Interim amount shall be disbursed in full. However, as far as the final compensation amount is concerned, 75% (seventy five percent) of the same shall be put in a fixed deposit for a minimum period of three years and the remaining 25% (twenty five percent) shall be available for utilization and initial expenses by the victim/dependent(s), as the case may be.

(2) In the case of a minor, 80% of the amount of compensation so awarded, shall be deposited in the fixed deposit account and shall be drawn only on attainment of the age of majority, but not before three years of the deposit:

Provided that in exceptional cases, amounts may be withdrawn for educational or medical or other pressing and urgent needs of the beneficiary at the discretion of the State Legal Services Authority/ District Legal Services Authority.

(3) The interest on the sum, if lying in fixed deposit account, shall be credited directly by the bank in the savings account of the victim/dependent(s), on monthly basis which may be withdrawn by the beneficiary.

12. **Interim relief to the victim**.- The State Legal Services Authority or District Legal Services Authority, as the case may be, may order for immediate first-aid facility or medical benefits to be made available free of cost or any other interim relief (including interim monetary compensation) as deemed appropriate, to alleviate the suffering of the victim on the certificate of a police officer, not below the rank of the officer-in-charge of the police station, or a Magistrate of the area concerned or on the application of the victim/ dependents or suo-moto:

Provided that as soon as the application for compensation is received by the State Legal Services Authority/District Legal Services Authority, a sum of Rs.5000/- or as the case warrants uptoRs. 10,000/- shall be immediately disbursed to the victim through preloaded cash card from a Nationalised Bank by the Secretary, District Legal Services Authorityor Member Secretary, State Legal Services Authority.

Provided further that the interim relief so granted shall not be less than 25 per cent of the maximum compensation awardable as per schedule appended to this Chapter, which shall be paid to the victim in totality.

Provided also that in cases of acid attack a sum of Rs. One lakh shall be paid to the victim within 15 days of the matter being brought to the notice of State Legal Services Authority/District Legal Services Authority. The order granting interim compensation shall be passed by the State Legal Services Authority/ District Legal Services Authority within 7 days of the matter being brought to its notice and the State Legal Services Authorityshall pay the compensation within 8 days of passing of order. Thereafter an additional sum of Rs.2 lakhs shall be awarded and paid to the victim as expeditiously as possible and positively within two months.

13. **Recovery of compensation awarded to the victim or her dependent(s)**.- Subject to the provisions of sub-section (3) of section 357A of the Code, the State Legal Services Authority, in proper cases, may institute proceedings before the competent court of law for recovery of the compensation granted to the victim or her dependent(s) from person(s) responsible for causing loss or injury as a result of the crime committed by him/her. The amount, so recovered, shall be deposited in Woman Victim Compensation Fund.

14. **Dependency Certificate**.- The authority empowered to issue the dependency certificate shall issue the same within a period of fifteen days and, in no case, this period shall be extended:

Provided that the State Legal Services Authority/ District Legal Services Authority, in case of non-issuance of the Dependency Certificate, after expiry of 15 days, may proceed on the basis of an affidavit to be obtained from the claimant.

15. **Minor Victims**.- That in case the victim is an orphaned minor without any parent or legal guardian the immediate relief or the interim compensation shall be disbursed to the

Bank Account of the child, opened under the guardianship of the Superintendent, Child Care Institutions where the child is lodged or in absence thereof, Drawing and Disbursing Officer /Sub-Divisional Magistrate, as the case may be.

16. **Limitation**.- Under the scheme, no claim made by the victim or her dependent or dependents, under sub-section (4) of section 357A of the Code, shall be entertained after a period of 3 years from the date of occurrence of the offence or conclusion of the trial.However, in deserving cases, on an application made in this regard, for reasons to be recorded, the delay beyond three years may be condoned by the State Legal Services Authority or District Legal Services Authority Concerned.

17. **Appeal**.- In case the victim or her dependents are not satisfied with the quantum of compensation awarded by the Secretary, District Legal Services Authority, they may file appeal within 30 days from the date of receipt of order before the Chairperson, District Legal Services Authority:

Provided that delay in filing appeal may be condoned by the Appellate Authority, for reasons to be recorded, in deserving cases, on an application made in this regard.

18. **Repeal and savings**.- (1) In case this Chapter is silent on any issue pertaining to Victim Compensation to Women, the provisions of Chapter-I shall apply.
(2) Nothing in this Scheme shall prevent Victims or their dependents from instituting any Civil Suit or Claim against the perpetrator of offence or any other person indirectly responsible for the same.

Explanation: It is clarified that this Chapter does not apply to minor victims under the Protection of Children from Sexual Offences Act, 2012 in so far as their compensation issues are to be dealt with only by the Special Courts under sub-section (8) of section 33 of the Protection of Children from Sexual Offences Act, 2012 and rule7 of the Protection of Children from Sexual Offences Rules, 2012.

Schedule
Applicable to Women Victim of Crimes

S. No.	Particulars of loss or injury	Minimum Limit of Compensation	Upper Limit of Compensation
1.	Loss of Life	Rs. 5 Lakh	Rs. 10 Lakh
2.	Gang Rape	Rs. 5 Lakh	Rs. 10 Lakh
3.	Rape	Rs. 4 Lakh	Rs. 7 Lakh
4.	Unnatural Sexual Assault	Rs. 4 Lakh	Rs. 7 Lakh
5.	Loss of any Limb or part of body resulting in 80% Permanent disability or above	Rs. 2 Lakh	Rs. 5 Lakh

6.	Loss of any Limb or part of body resulting in 40% and below 80% permanent disability	Rs. 2 Lakh	Rs. 4 Lakh
7.	Loss of any limb or part of body resulting in above 20% and below 40% permanent disability	Rs. 1 Lakh	Rs. 3 Lakh
8.	Loss of any limb or part of body resulting in below 20% permanent disability	Rs. 1 Lakh	Rs. 2 Lakh
9.	Grievous physical injury or any mental injury requiring rehabilitation	Rs. 1 Lakh	Rs. 2 Lakh
10.	Loss of Foetus i.e.Miscarriage as a result of Assault or loss of fertility.	Rs. 2 Lakh	Rs. 3 Lakh
11.	In case of pregnancy on account of rape.	Rs.3 Lakh	Rs.4 Lakh
12.	Victims of Burning,-		
	(a) in case of disfigurement of face	Rs. 7 Lakh	Rs. 8 Lakh
	(b) in case of more than 50%	Rs. 5 Lakh	Rs. 8 Lakh
	(c) in case of injury less than50%	Rs. 3 Lakh	Rs. 7 Lakh
	(d) In case of less than 20%	Rs. 2 Lakh	Rs. 3 Lakh
13.	Victims of Acid Attack,-		
	(a) in case of disfigurement of face.	Rs. 7 Lakh	Rs. 8 Lakh
	(b) in case of injury more than 50%.	Rs. 5 Lakh	Rs. 8 Lakh
	(c) in case of injury less than 50%.	Rs. 3 Lakh	Rs. 5 Lakh
	(d) in case of injury less than20%	Rs. 3 Lakh	Rs. 4 Lakh

Note: If a woman victim of sexual assault/acid attack is covered under one or more category of the schedule, she shall be entitled to be considered for combined value of the compensation.

FORM-I
APPLICATION FOR THE AWARD OF COMPENSATION UNDER RAJASTHAN COMPENSATION SCHEME FOR WOMEN VICTIMS/SURVIVORS OF SEXUALASSAULT/OTHERCRIMES, 2023

(FORINTERIM/FINALRELIEF)

1.	Name of the Applicant Victim(s) or her Dependent(s)	
2.	Age of the Victim(s) or her Dependent(s)	
3.	(a) Father's Name (b) Mother's Name (c) Spouse's Name	
4.	Address of theVictim(s) orher/their Dependent(s)	
5.	Date and time of the Incident	
6.	Whether FIR has been lodged?	
7.	Whether medical examination has been done, If yes, enclose Medical Report/DeathCertificate/P.M.Report.	
8.	Status of trial, if pending. If over,enclose copy of judgment and order on sentence.	
9.	Has the applicant been awarded any compensation by the trial court or any other Govt. agency, If,yes give details.	
10.	Give details of financial expenditure/loss incurred	
11.	Have you instituted any civil suit/claim against the perpetrator of offence, If yes give details. Signature of the Victim/Dependent.	

Signature of Applicant"

[F.No.17(32)(HOME-10)/2011 Part]
By order and in the name of the Governor,
Ravi Sharma,
Secretary to the Government.

Government Central Press, Jaipur.